

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

CESAR RIOS,	CIVIL ACTION
Plaintiff	NO.
VS.	
METRO-NORTH RAILROAD COMPANY,	
Defendant	

X

COMPLAINT

NATURE OF ACTION

1. The plaintiff brings this action against the defendant for injuries suffered by him while in the employ of the defendant Railroad.

JURISDICTION

2. This Court has subject matter jurisdiction in this case pursuant to the Federal Employers' Liability Act, 45 U.S.C. § 51 *et seq.* Venue properly lies in this Court pursuant to 45 U.S.C. § 56.

PARTIES

3. The plaintiff is domiciled in Bridgeport, Connecticut.

4. The defendant, Metro-North Railroad Company, is a railroad corporation duly established by law, and having a usual place of business in New York, New York.

FACTS

5. During all times herein mentioned, the defendant was a common carrier engaged in the business of interstate commerce, and as such, operated a railroad in such business between New York, New York, and New Haven, Connecticut.

6. At the time the plaintiff received the injuries complained of, he was employed by the defendant Railroad as a Machine Operator at or about North White Plains Substation in New York.

7. At the time the plaintiff received the injuries complained of the defendant Railroad was engaged in interstate commerce and the plaintiff was employed in furtherance of said commerce.

8. On or about October 13, 2020, the plaintiff was engaged in his duties as a Machine Operator at or about North White Plains Substation, New York which buildings, decks, platforms, structures, stairs, working areas, lines, and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant Railroad.

9. At or about October 13, 2020, the plaintiff was walking up the stairs in the North White Plains substation, when he slipped on water and fell.

10. The defendant Railroad, its agents, servants, and employees were negligent in one or more of the following ways:

- a) it carelessly maintained the substation stairs and/or treads; and/or
- b) it failed to provide any warning to the plaintiff substation stairs and/or treads were in a wet and slippery condition; and/or

c) it failed to properly inspect and/or maintain and/or repair and/or replace the substation stairs and/or treads; and/or

d) it failed to create or adopt policies, procedures or guidelines for periodically inspecting the substation stairs and/or treads for unsafe conditions; and/or

e) it failed to follow any policies, procedures or guidelines for periodically inspecting the substation stairs and/or treads; and/or

f) it failed to install and/or utilize and/or maintain a slip resistant surface on the stairs and/or treads; and/or

g) it failed to act in a reasonably prudent manner under the facts and circumstances surrounding the event; and/or

h) it failed to provide the plaintiff with a reasonably safe place to work.

12. As a result of the negligence of the defendant Railroad, its agents, servants, or employees, the plaintiff suffered injuries to his left knee, including, but not limited to, a torn ACL and meniscus.

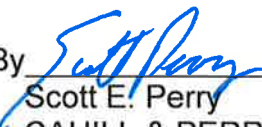
13. As a result of the said injuries the plaintiff incurred medical expenses, has suffered and will suffer lost wages and benefits, has suffered physical pain and mental anguish and will continue to suffer in the future, and has impairment to his future earning capacity and diminished economic horizons.

WHEREFORE, in order to fairly and justly compensate the negligently injured plaintiff and thereby promote safe operating conditions on the defendant Railroad, the

plaintiff demands a judgment for monetary damages against the defendant Railroad in addition to any further relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY JURY.

By his attorneys,

By  _____
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